



Georgia

HOUSE OF REPRESENTATIVES

Tuesday
February 26,
2019

DAILY REPORT

22nd
Legislative
Day

House Budget & Research Office
(404) 656-5050

- The House will reconvene for its 23rd Legislative Day on Wednesday, February 27 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- Six bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 185 Financial institutions; change certain definitions

Bill Summary: HB 185 updates regulations regarding the practices and procedures of financial institutions, along with the role of the Department of Banking and Finance in overseeing those institutions including credit unions and mortgage lenders. This bill extends the definition of "financial institution" to include banks and credit unions chartered by states other than Georgia or by the federal government, provided that those institutions have federal deposit insurance. This bill: amends the definition of "paid-in capital" to remove consideration of those funds reserved for an expense fund; updates the definition of "residential mortgage loan" to reflect current federal regulations; and eliminates consideration of "appropriated retained earnings" from the formation and dealings of financial institutions. HB 185 also removes the requirement that financial institutions maintain a designated "expense fund." Further, this bill amends the organizational requirements of incorporated institutions to require that each incorporated entity maintain an "audit committee," rather than the previously required "supervisory committee."

In addition, HB 185 broadens the discretionary powers of the department regarding investigations or examinations of financial institutions to provide greater flexibility in waiving these investigations or altering their frequency and scope. To this end, this bill amends the requirements for such investigations to allow them to be conducted at least once every 60 months; as compared to once every 24 months as previously mandated. Likewise, this bill limits the restrictions on the receipt of money, property, or loans by certain officers of financial institutions so as to restrict only those officials who examine or exercise supervisory responsibility over any such institution.

In the case of trust companies, this bill extends the circumstances by which the department may base approvals on results from the Georgia Crime Information Center and FBI fingerprint record check reports or other background fitness checks. For shareholders, this bill prohibits dissent from any sale made wholly for cash and from which all, or substantially all, of the net proceeds will be distributed to the shareholders within one year. For bank holding companies, this bill no longer requires an institution to be registered with the department in order to acquire control of a banking institution through formation of a de novo bank.

For credit unions, this bill eliminates previous mandates on proposed by-laws and amends a credit union's power to invest to allow the selling or purchasing of whole loans or loan participations. Customers of a bank that has been acquired by a credit union are also allowed to become members of the credit union once the original bank ceases to exist. The board of directors of a credit union are also empowered with the ability to expel members based on non-participation in the affairs of the credit union. The department's discretion and powers of oversight in investigating credit unions, including mergers of credit unions, is expanded.

For mortgage lenders, the bill expands the exemptions for mortgage licensure and authorizes licensed mortgage lenders to engage in all activities that are authorized for a mortgage broker. This bill eliminates references to the 2010 effective date for requirements necessary to engage in activities of a mortgage loan originator. The bill also empowers the department with greater authority to implement federal legislation related to mortgage loan originators. In addition, the bill creates a process by which a mortgage loan originator license shall become inactive and eliminates the process for departmental issuance of notices of intent to suspend the license of a mortgage loan originator.

Author(s):	Rep. Bruce Williamson (115th)	Rule Applied:	Modified-Structured
House Committee:	Banks & Banking	Committee Action:	02-20-2019 Do Pass
Floor Vote:	Yeas: 171 Nays: 0	Amendments:	

HB 228 Marriage; change minimum age from 16 to 17 and require any person who is 17 to have been emancipated

Bill Summary: HB 228 raises the minimum age of marriage to 17 and require any person who is 17, and seeking a marriage license, to provide documentary proof of emancipation by law. Moreover, the older party to the marriage shall not be more than four years older than the younger party to the marriage. HB 228 requires both parties of such a marriage to present a certificate of completion of premarital education. The premarital education must include 6 hours of instruction involving marital issues and be conducted by a professional counselor, social worker, marriage and family therapist, psychologist, psychiatrist, or clergy whom are properly licensed.

Moreover, HB 228 makes changes to the Code regarding emancipation if the purpose is to marry. The court must appoint an attorney for the minor and must inquire into whether the intended marriage is in the minor's best interest or puts the minor at risk. The minor must provide information about the intended spouse including copies of criminal records or protective orders. HB 228 requires a waiting period of 15 days after the emancipation of the minor before the court can issue a marriage license.

Author(s):	Rep. Andrew Welch (110th)	Rule Applied:	Modified-Structured
House Committee:	Juvenile Justice	Committee Action:	02-20-2019 Do Pass by Committee Substitute
Floor Vote:	Yeas: 158 Nays: 13	Amendments:	

HB 284 Cobb County; Magistrate Court chief judge; provide nonpartisan elections

Bill Summary: House Bill 284 specifies that elections for the office of chief judge of the Magistrate Court of Cobb County will be nonpartisan elections. The bill will not impact the current term of the sitting chief judge of the Magistrate Court of Cobb County, but will apply in all following elections.

Author(s):	Rep. John Carson (46th)	Rule Applied:	Modified-Structured
House Committee:	Governmental Affairs	Committee Action:	02-21-2019 Do Pass
Floor Vote:	Yeas: 95 Nays: 69	Amendments:	

HB 285 Cobb County; probate judge; provide nonpartisan elections

Bill Summary: House Bill 285 specifies that elections for the office of probate judge of Cobb County will be nonpartisan elections. The bill will not impact the current term of the sitting probate judge of Cobb County, but will apply in all following elections.

Author(s):	Rep. John Carson (46th)	Rule Applied:	Modified-Structured
House Committee:	Governmental Affairs	Committee Action:	02-21-2019 Do Pass
Floor Vote:	Yeas: 97 Nays: 71	Amendments:	

HB 316 Elections; definitions; provide for uniform equipment and ballot marking devices

Bill Summary: House Bill 316 impacts several Code chapters and sections relating to elections and provides a new voting system for the state. Section 2 of the bill removes "direct recording electronic (DRE)" in the description of the voting systems used by the state. Throughout the bill, "optical scanner," "tabulator," and "optical scanning tabulator" are replaced with "ballot scanner." Throughout the bill, "or electronic ballot markers" is added to every reference to DRE voting units in several different Code sections. Also throughout the bill, "electronic ballot marker" is added in various Code sections as a type of voting machine.

Section 3 adds a new Code section which establishes that an independent candidate for president or vice president must file with the Georgia secretary of state a slate of candidates for the office of presidential elector, no later than the Friday before qualifying begins.

Section 4 replaces "notice of candidacy" with "nomination petition" for what a presidential elector nominee must submit with a certified copy of the minutes of a convention.

Section 5 prohibits a person from voting if they are not at least 18 years of age on or before the election date.

Section 6 provides that if a person's registration application information does not match the information on file with the Department of Driver Services or the federal Social Security Administration, the applicant is still considered registered to vote but will be required to provide proof of their identity the first time that they request a ballot for any federal, state, or local election.

Section 7 permits the secretary of state to become a member of an information-sharing non-governmental entity in order to improve the accuracy of voter registration systems. The Department of Driver Services will provide driver's license and identification card information to the secretary of state in order to exchange voter registration information with the nongovernmental entity.

Section 8 removes a reference to a DRE unit from a provision regarding challenging a person on a list of electors.

Section 9 directs the secretary of state to send a list of persons convicted of a felony in this state and a list of persons convicted of a felony in federal court to the appropriate county board of registrars. The county board of registrars will mail a notice to each listed person notifying them of their removal from the list of electors, allowing a 30-day time period for the recipient to request a hearing on the removal.

Section 10 requires that when an elector moves to a new state and the registration officials of that state send notice of cancellation, a confirmation notice must be sent to the elector unless an elector-signed copy of the elector's new voter registration application is included with the notice of cancellation.

Section 11 adds not using an absentee ballot to the list of reasons an elector can be labeled "no contact." When assessing if an elector is "no contact," the time period is changed from three years of inactivity to five years of inactivity.

Section 12 requires that an elector will remain on the inactive list of electors until the day after the second general election that takes place while they are on the list. After that time, if no contact is made, the elector will be removed from the list. Between 30 days and 60 days prior to the elector's removal from the list, notice must be sent to notify the elector.

Sections 13 and 14 require the superintendent to provide 30-day's notice of a precinct alteration; such notice shall also be submitted to the secretary of state. Unless there is an emergency, a polling place cannot be changed: on the day of a primary, election, or runoff; during the 60 days prior to a general primary or general election; or during the 30 days prior to a special primary or special election.

Section 16 provides that the secretary of state will prescribe the design of the ballots printed by an electronic ballot marker to ensure ease of reading by electors.

Section 18 establishes that as soon as possible, all federal, state, and county elections in the state of Georgia will be conducted with the use of scanning ballots marked by electronic ballot markers and tabulated by using ballot scanners. Additionally, the electronic ballot markers must produce paper ballots which are marked with the elector's choices in a format that is readable by the elector. The

state will furnish uniform equipment for each county. Counties may acquire additional equipment of the same type at their own expense. Municipalities may acquire their own voting equipment of the same type at their own expense.

Section 20 requires that there must be one voting booth or enclosure for every 250 electors in precincts which use optical scanning voting systems.

Section 22 requires that ballots must be of a suitable design and construction to allow processing by a ballot scanner.

Section 26 adds a new Part to Title 21 Article 9 relating to voting machines. Each polling place which uses optical scanning voting systems must have at least one electronic ballot marker that is accessible to disabled individuals. Electronic ballot markers must not be used unless they meet a list of standard requirements. Provides specific guidelines for the appearance and information included on a ballot printed by an electronic ballot marker. The paper ballot printed by the electronic ballot marker will be considered the official ballot and will be used in any recount or audit conducted after the election. The secretary of state will examine and certify electronic ballot markers before they are used in an election. Any ten or more electors of this state may request the secretary of state to reexamine a device that was previously examined and approved. If a vendor sells an electronic ballot marker that has not been approved by the secretary of state, they will be subject to a penalty of \$100,000. The superintendent of each county or municipality will ensure the following: that the proper ballot is programmed for each electronic ballot marker; each device is in proper working order; and that each device is examined and verified before being sent to a polling place for an election. The superintendent may appoint a custodian and deputy custodians of the electronic ballot markers who are responsible for preparing the devices for election. On or before the third day preceding an election, the superintendent will test each electronic ballot marker to ensure proper working order. These tests are open to the public and must be noticed at least five days prior. When the electronic ballot markers are not in use, the superintendent is responsible for their safe storage.

Section 27 allows absentee ballots to be sent to an address other than the permanent mailing address if the elector is in jail in the county or municipality. Removes a reference to a DRE voting system. An absentee ballot application will not be rejected due to lack of signature matching. If the signature on file does not match with the signature on the application, the board of registrars or absentee ballot clerk will send a provisional absentee ballot, along with instructions on how to correct the signature discrepancy. If the ballot is returned prior to the closing of the polls on the day of the election and the signature discrepancy is corrected before the end of the period for verifying provisional ballots, the provisional ballot will be counted. If the board of registrars or absentee ballot clerk does not find the signature discrepancy corrected, the ballot will be rejected.

Section 28 adds polling places to the list of places that can serve as registrar's offices or places to receive absentee ballots.

Section 29 provides that in jurisdictions where electronic ballot markers are used on election day, the electronic ballot markers will be used to cast absentee ballots in person at a registrar's or absentee ballot clerk's office.

Section 30 removes references to an elector's residence address and year of birth on the oath of the elector which accompanies the absentee ballot that is mailed to the elector. The Oath of Person Assisting Elector is amended so that the person providing assistance does not list their relationship to the elector. The addition of the signer's printed name is added to both oaths. Additionally, language is removed from the Oath of Person Assisting Elector which prohibits a person from assisting more than 10 electors in any election. It replaces "42 U.S.C. Section 1973ff" with "52 U.S.C. Section 20302" in two places regarding the transmission of absentee ballots to members of the military.

Section 31 provides that the absentee ballot of a disabled elector may be mailed or delivered by a relative or a caregiver. The absentee ballot of an elector in jail may be mailed or delivered by a jail employee. A disabled or illiterate elector may receive ballot assistance from any person of their choice other than the following: the elector's employer, the elector's union representative, a candidate on the ballot, or a relative of a candidate on the ballot. The section removes the prohibition of a person assisting more than 10 electors in any one election. The time period for early voting for a run-off election is set as no later than the second Monday immediately prior to the run-off.

Section 32 requires that if an absentee ballot is rejected, the elector must be notified and is given until the end of the period for verifying provisional ballots to address the problem that resulted in ballot rejection. If the elector cures the issues before the end of the time period, the ballot will be approved by the board of registrars or absentee ballot clerk and counted. If an absentee ballot is submitted without identification verification, the board of registrars or absentee ballot clerk must promptly notify the elector and provide instructions on addressing the issue. The ballot will be considered provisional until the issue is addressed, at which time it will be counted.

Section 33 replaces "42 U.S.C. Section 1973ff" with "52 U.S.C. Section 20302" regarding a pilot program developed by the secretary of state for the electronic transmission of absentee ballots by members of the military. The secretary of state is authorized to develop a similar pilot program for the electronic transmission of absentee ballots by disabled electors.

Section 34 provides that if an absentee voter has not yet returned their ballot, they can have their absentee ballot canceled and vote in person on election day. If the absentee ballot is not surrendered to the poll manager, the elector must destroy the ballot after casting his or her vote in person.

Section 35 provides that any elector who is entitled to receive voting assistance in any election may receive assistance from any person of the elector's choice, other than the following: the elector's employer; the elector's union representative; a candidate on the ballot; or a relative of a candidate on the ballot. Notice of the availability of assistance must be prominently posted at each polling place.

Section 37 provides that a Georgia voter identification card will remain valid as long as the elector resides in the same county. If the elector moves to a new county, the voter identification card must be surrendered to the board of registrars in the new county of residence.

Section 38 requires that as soon as possible after a provisional ballot is cast, the election superintendent must notify the secretary of state with all pertinent information regarding the provisional ballot.

Section 39 requires that when reviewing provisional ballots, the board of registrars must make a good faith effort to determine if the ballot is valid. This section expounds on what a "good faith effort" means. As soon as possible after a determination is made regarding a provisional ballot, the board of registrars must notify the impacted electors.

Section 41 requires that the superintendent must certify election returns no later than 5:00 p.m. on the second Friday following the election. The secretary of state may extend the time limit if necessary to complete a precertification audit.

Section 42 provides that when the difference in votes received by the declared winner and one or more other candidates is less than one-half of one percent of the total votes cast, the losing candidate has two business days from the time of certification to request, in writing, a recount. When the difference in votes for approval or rejection of a constitutional amendment is less than one-half of one percent of the total votes cast, the Constitutional Amendments Publication Board has two business days from the time of certification to request a recount. The State Election Board is authorized to regulate and administer such recounts.

Section 43 requires that as soon as possible, the local election superintendents will conduct precertification audits for any federal or state general election, based on requirements set by the State Election Board. The audit must be completed prior to the final certification of results and the results must be available to the public within 48 hours of completion. The secretary of state must conduct a risk-limiting audit pilot program by December 31, 2021.

Section 44 increases the amount of time that the secretary of state and governor are given to certify the votes for presidential electors by three days.

Sections 45 and 50 prohibit a person or a poll worker from tampering with an "electronic ballot marker."

Authored By: Rep. Barry Fleming (121st)
House
Committee: Governmental Affairs
Floor Vote: Yeas: 101 Nays: 72

Rule Applied: Modified-Structured
Committee
Action: 02-21-2019 Do Pass by Committee
Amendments: Substitute

Postponed Until Next Legislative Day

HB 319 Georgia Firefighters' Pension Fund; member's benefits payable after death shall be paid to his or her estate when such member failed to designate a beneficiary or his or her designated beneficiaries are deceased; provide

Bill Summary: HB 319 allows members of the Georgia Firefighters' Pension Fund to have their death benefits paid to his or her estate in the event the member failed to designate a beneficiary or if all named beneficiaries have predeceased the member. The Department of Audits and Accounts has certified HB 319 as a non-fiscal retirement bill.

Authored By: Rep. Noel Williams (148th)

Rule Applied: Modified-Open

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 23rd Legislative Day, Wednesday, February 27, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Wednesday, February 27, at 9:00 a.m., to set the Rules Calendar for the 24th Legislative Day.

HB 187 Community Health, Department of; pilot program to provide coverage for the treatment and management of obesity and related conditions; provide

Bill Summary: House Bill 187 establishes a three-year pilot program, through the Department of Community Health (DCH), to provide coverage for the treatment and management of obesity and related conditions for 250 people per year, including medication and counseling.

Eligible participants include people who elected coverage under a state health insurance plan and who meet other criteria established by the department. DCH will partner with a post-secondary institution in Georgia for pilot program management, data collection, patient engagement, and other activities related to the pilot program, including coverage of all U.S. Food and Drug Administration (FDA) approved medications for chronic weight management.

DCH shall review the results and outcomes of the study starting six months after its initiation and continue to conduct subsequent reviews every six months thereafter. DCH shall provide a final report to the chairpersons of the House and Senate Health and Human Services committees and the House and Senate Appropriations committees by December 15th of the last year of the pilot program.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-12-2019 Do Pass

HB 213 Georgia Hemp Farming Act; enact

Bill Summary: HB 213 allows for the cultivation and processing of hemp and hemp products in Georgia. The bill further provides for colleges and universities in the University System of Georgia to conduct research on hemp, including the development of new hemp varieties, seed development, and consumer uses.

House Bill 213 requires hemp growers to apply annually for a license and pay a license fee of \$1,000. Any grower must be a qualified agriculture producer and provide the Department of Agriculture with the following upon application for a license: a legal description and global positioning coordinates to locate fields and greenhouses used for cultivation of hemp; a written agreement with a permitted producer with which the grower intends to enter into a partnership; written consent allowing the Georgia Bureau of Investigation and other affected law enforcement to enter premises where hemp is being cultivated, harvested, or handled to conduct inspections; and a criminal background check. No person may hold more than one hemp growers license nor be issued a license if convicted of a felony.

The state may only issue up to 12 permits to produce hemp, after which the Department of Agriculture may award additional permits based on the financial standing and hemp processing experience of applicants. Hemp producers must pay an initial fee of \$100,000 for a permit and \$25,000 for the annual renewal of the permit. A producer must provide the following to the Department of Agriculture to receive a permit: a legal description and global positioning coordinates to locate facilities for processing hemp; a written agreement with a licensed grower with which the producer intends to enter into a partnership; written consent allowing the Georgia Bureau of Investigation, and other affect law enforcement, to enter premises where hemp is being processed; a surety bond in the amount of \$100,000 issued by a surety company authorized to do business in the state; and a criminal background check. Every permittee shall at all times have written agreements with at least five growers. A permitted producer may also apply for and be issued no more than one growers license.

The Department of Agriculture, using its own personnel or qualified independent contractors, has the right to test hemp at the fields and greenhouses of growers, as well as at the processing facilities of producers. If a test sample taken from a grower's facility reveals a delta-9-THC concentration greater than 0.33 percent, then the grower's crop must be destroyed under the supervision of law enforcement. If the sample from the grower reveals a delta-9-THC concentration between .30 percent and .33 percent, the sample shall be retested; if the retested sample is found to be above .30 percent, the crop shall be destroyed under the supervision of law enforcement. If a sample test taken from a processing

facility reveals a delta-9-THC concentration above .30 percent, all hemp products at the facility shall be destroyed.

HB 213 states that the following violations shall not result in a criminal or civil action, but require a corrective action plan to be submitted to the Department of Agriculture: failing to provide a legal description of the land; failing to obtain a license; producing a crop with more than the federally-defined THC level for hemp; or otherwise negligently violating rules and regulations. Any licensee that violates a corrective action plan three times in a five-year period shall have their license permanently revoked. If the commissioner of the Department of Agriculture determines that a licensee has violated state law with a culpable mental state greater than negligence, the commissioner shall report the licensee to the United States Attorney General and the state Attorney General.

Within 60 days of the effective date of the chapter, the commissioner of the Department of Agriculture, in consultation with the governor and state Attorney General, shall submit to the secretary of agriculture of the United States a plan to regulate hemp production. The plan shall include a system to maintain information regarding land on which hemp is produced, a procedure to test delta-9-THC concentration levels in hemp, and a procedure to enforce rules and regulations.

Authored By:	Rep. John Corbett (174th)	Rule Applied:	Modified-Structured
House Committee:	Agriculture & Consumer Affairs	Committee Action:	02-20-2019 Do Pass by Committee Substitute

HB 310 Insurance, Department of; must submit an autism coverage report to General Assembly; move annual due date to June 15

Bill Summary: House Bill 310 moves the due date of the Department of Insurance's autism coverage report to the General Assembly from January 15 to June 15.

Authored By:	Rep. Greg Morris (156th)	Rule Applied:	Modified-Structured
House Committee:	Insurance	Committee Action:	02-20-2019 Do Pass

HB 322 Local government; advertisement of certain bid or proposal opportunities; change provisions

Bill Summary: House Bill 322 provides that if a bid or proposal opportunity is extended by a county, municipal corporation, or local board of education valued at \$100,000 or more, the bid must be advertised in the same way and for the same period of time that the local government entity would normally advertise a bid or proposal. A governmental entity must publicly advertise a contract opportunity on the Georgia Procurement Registry for at least four weeks.

Authored By:	Rep. Tom McCall (33rd)	Rule Applied:	Modified-Structured
House Committee:	Governmental Affairs	Committee Action:	02-21-2019 Do Pass

HR 214 House Rural Development Council; reauthorize

Bill Summary: HR 214 reauthorizes the House Rural Development Council (RDC) for two more years. The RDC shall be composed of 15 members of the House of Representatives appointed by the speaker of the House, with two members to be designated as co-chairpersons. The RDC shall be authorized to begin meeting in different rural locations within the state beginning on April 1, 2019. The co-chairpersons shall file two reports of findings and recommendations, one no later than December 31, 2019 and the second prior to December 31, 2020. The RDC shall be abolished on December 31, 2020.

Authored By:	Rep. Sam Watson (172nd)	Rule Applied:	Modified-Structured
House Committee:	Economic Development & Tourism	Committee Action:	02-21-2019 Do Pass

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Health & Human Services Committee

HB 233 Pharmacy Anti-Steering and Transparency Act; enact

Bill Summary: House Bill 233 enacts the 'Pharmacy Anti-Steering and Transparency Act'. This act restricts a pharmacy licensed in or holding a non-resident pharmacy permit in Georgia from transferring or sharing records relative to prescription information containing patient and prescriber identifiable data to or from an affiliate for any commercial purpose.

House Bill 233 further restricts these pharmacies from presenting a claim for payment to any individual, third-party payor, affiliate, or other entity for a service furnished pursuant to a referral from an affiliate. Additionally, pharmacies will be restricted from mailing a prescription to a patient when the patient's prescriber has indicated that the patient needs an in-person consultation at the time the original or refill prescription is dispensed. A patient may voluntarily waive the in-person consultation and elect to receive the medication via mail order.

House Bill 233 should not be construed to prohibit a pharmacy from entering into an agreement with an affiliate to provide pharmacy care to patients, provided that the pharmacy does not receive referrals in violation of subsection (d) of Code Section 26-4-119 and the pharmacy provides the disclosures required. Violations of Code Section 26-4-119 by a pharmacy will be grounds for disciplinary action by the board pursuant to its authority granted in this chapter. Additionally, pharmacies will be required to annually file with the Board of Pharmacy a disclosure statement identifying all affiliates.

Authored By: Rep. David Knight (130th)
House Committee: Health & Human Services

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 345 Penal institutions; pregnant female inmates or a female inmate who is in the immediate postpartum period; provide prohibited practices

Bill Summary: House Bill 345 provides prohibitions relating to a pregnant female inmate or a female inmate who is in the immediate postpartum period.

House Bill 345 prohibits custodians from requiring a woman during the second or third trimester of pregnancy to squat or cough during a strip search. Additionally, a pregnant woman is not required to undergo any vaginal examinations unless prescribed and performed by a licensed health care professional.

Furthermore, House Bill 345 prohibits a custodian from using handcuffs, waist shackles, leg irons, or restraints of any kind on a woman who is in the second or third trimester of pregnancy, in labor, in delivery, or in the immediate postpartum period.

House Bill 345 requires that a woman who is pregnant or in the immediate postpartum period may only be restrained using wrist handcuffs, held in front of her body, if there are compelling grounds to believe that the woman presents an immediate and serious threat of harm to herself or others, or is a substantial flight risk and cannot be contained by other means. Any wrist handcuffs used by a custodian on a pregnant woman, or postpartum, must be documented within three days of the incident, reviewed by the officer in charge, and retained by the penal institution; however, House Bill 345 does not prohibit the use of medical restraints by a licensed health care professional to ensure the medical safety of the woman.

Furthermore, beginning November 1, 2020, the Department of Public Health and the Department of Corrections will jointly provide to the House and Senate Judiciary Committees an annual report for the prior year detailing the total number of women, pregnant women, births, and maternal complications. This report will also detail the gestational age and birth weight of each infant born, the type of maternal complications, as well as any documentation relating to the use of restraints retained by each penal institution, if applicable.

Authored By: Rep. Sharon Cooper (43rd)
House Committee: Health & Human Services

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HR 261 Joint Study Committee on Evaluating and Simplifying Physician Oversight of Midlevel Providers; create

Bill Summary: House Resolution 261 creates the Joint Study Committee on Evaluating and Simplifying Physician Oversight of Midlevel Providers. This committee evaluates current state laws, as well as proposed legislation to revise such laws, relating to physician oversight of mid-level providers to determine how such physician oversight could be simplified and streamlined to navigate in the practice environment. This study committee includes three members from the Senate and three members from the House and will be abolished on December 1, 2019.

Authored By: Rep. Mark Newton (123rd)
House Committee: Health & Human Services

Committee Action: 02-26-2019 Do Pass by Committee Substitute

Interstate Cooperation Committee

HB 39 Physical Therapy Licensure Compact Act; enter into an interstate compact

Bill Summary: House Bill 39 enters the state of Georgia into the 'Physical Therapy Licensure Compact Act'. It authorizes the State Board of Physical Therapy to administer the compact for the state. The bill is designed to increase public access to physical therapy services by providing for the mutual recognition of other member state licenses. It also gives the board the power to conduct criminal history record checks as determined by the board through the Georgia Crime Information Center and Federal Bureau of Investigation for the purpose of issuing licenses.

Compact state members create a joint public agency known as the "Physical Therapy Compact Commission," which shall have the power to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The commission has the power to purchase and maintain insurance and bonds, hire employees, borrow money, and perform other necessary functions. Each member state's licensing board shall select one delegate to be a member of the commission. The delegate must be a member of the licensing board, in addition to being a physical therapist, a physical therapist assistant, public member, or the board administrator.

The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of operations of the commission and staff. The aggregate annual assessment amount shall be allocated by formula to be determined by the commission. The commission shall not incur any obligations until securing adequate funds, nor shall the commission pledge the credit of any member state.

Authored By: Rep. D. C. Belton (112th)
House Committee: Interstate Cooperation

Committee Action: 02-26-2019 Do Pass

Intragovernmental Coordination - Local Committee

HB 380 Dawsonville, City of; election of members of the city council by district; provisions

Bill Summary: This bill provides for the election of the Dawsonville City Council members by district.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Intragovernmental Coordination - Local

Committee Action: 02-26-2019 Do Pass

HB 423 South Fulton, City of; ad valorem tax for municipal purposes; provide new homestead exemption

Bill Summary: This bill provides a new homestead exemption, which has the effect of a valuation freeze, from city of South Fulton ad valorem taxes.

Authored By:	Rep. Debra Bazemore (63rd)	Committee Action:	02-26-2019 Do Pass
House Committee:	Intragovernmental Coordination - Local		

HB 430 Alpharetta, City of; ad valorem tax; eliminate income restriction for homestead exemption

Bill Summary: This bill eliminates the income restriction for the \$10,000 homestead exemption for residents in the city of Alpharetta who are 65 and older.

Authored By:	Rep. Chuck Martin (49th)	Committee Action:	02-26-2019 Do Pass
House Committee:	Intragovernmental Coordination - Local		

HB 431 Alpharetta, City of; ad valorem taxes for municipal purposes; increase homestead exemption

Bill Summary: This bill raises a city of Alpharetta homestead exemption for all residents from \$40,000 to \$45,000 for all taxable years beginning on or after January 1, 2020.

Authored By:	Rep. Chuck Martin (49th)	Committee Action:	02-26-2019 Do Pass
House Committee:	Intragovernmental Coordination - Local		

HB 453 Douglas County; Redevelopment Powers Law; provide for a referendum

Bill Summary: This bill authorizes Douglas County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and O.C.G.A. 36-44.

Authored By:	Rep. Roger Bruce (61st)	Committee Action:	02-26-2019 Do Pass
House Committee:	Intragovernmental Coordination - Local		

SB 5 Lincoln County Recreation Authority; repeal

Bill Summary: This bill provides for the assets and liabilities of the Lincoln County Recreation Authority.

Authored By:	Sen. Lee Anderson (24th)	Committee Action:	02-26-2019 Do Pass
House Committee:	Intragovernmental Coordination - Local		

Judiciary Committee

HB 239 Georgia Business Court; establish

Bill Summary: This bill provides the general legislation for the statewide business court (court) as approved by the constitutional referendum in 2018. The terms of court are the same as the Georgia Supreme Court. Except as otherwise provided under the Georgia Constitution, pretrial proceedings shall be held in Atlanta, the main office, or, at the court's sole discretion, conducted via teleconference; all trials shall be held in the county as determined according to traditional venue rules, unless otherwise agreed by the parties. When a judge must recuse himself or herself, he or she shall appoint another court judge, and if none is available, the Georgia Supreme Court shall order a sitting judge of the Court of Appeals, superior, or state court, to sit by designation in that case.

The court shall not have jurisdiction over cases involving physical or emotional injury, residential landlord and tenant disputes, or foreclosures; but it shall have jurisdiction, regardless of the amount in controversy, over: equity cases related to corporations; small business entities; internal affairs of

businesses; sale of goods under the uniform commercial Code; securities; arbitration; the licensing of any intellectual property right arising from e-commerce agreements involving commercial real property; and when the state and federal courts have concurrent jurisdiction. When damages are the only relief requested, the amount in controversy must be at least \$250,000 unless the dispute is only for damages related to commercial real property, then the amount in controversy must exceed \$1 million.

Cases may come before the court by: (1) any party filing in the court to initiate a civil action that has not already been filed in superior court or state court; (2) any party to an action already in state or superior court filing a transfer to the court within 60 days of all parties being served or the case becoming transferable and filing within those 60 days and the judge finds the case within the court's authority and orders transfer; or (3) by all parties to an action already in state or superior court agreeing to remove to the business court and filing that agreement within 60 days of commencing the action in state or superior court. The filing fee is \$5,000 to be paid by the party or parties seeking initiation or transfer, or by all parties pro rata where removed by agreement. Upon proof of such transfer or removal the state court or superior court shall certify the transfer or removal.

The court shall initially consist of one judge, one clerk, and one division which shall be appointed and confirmed by December 31, 2019, commence operations on January 1, 2020, and begin accepting cases on August 1, 2020; however, the General Assembly may create additional judges, clerks, or divisions, based on caseload and need. To qualify as a court judge, the appointee must have been for the last seven years a Georgia resident, a U.S. citizen, admitted to the practice of law in Georgia, and have at least 15 years of legal experience in complex litigation or significant experience in business or other complex litigation. Court judges and clerks will be appointed by the governor, subject to majority approval of the House and Senate Judiciary committees, to a five-year term and may be reappointed at the end of their term so long as the judge remains qualified. An oath of office for the judge is provided. The salary for the judge shall be \$174,500 and the judge shall set the clerk's salary subject to appropriation by the General Assembly. The judge may be reimbursed like other state employees including expenses for travel if the judge resides 50 miles or more from the main office in Atlanta. Subject to Georgia Supreme Court approval, the judge of the court is empowered to create rules governing the business court, and to that end may empanel a commission of up to eight volunteer individuals to assist the judge. The judge may appoint and remove law assistants who are either admitted or in the process of being admitted to the bar. The court may also purchase supplies, publications, and employ other staff as needed, and the clerk shall pay them based on appropriations by the General Assembly. Appeals shall be made to the Court of Appeals, unless otherwise taken by the Supreme Court. The court is also authorized to grant relief by declaratory judgment. Proceedings shall be filed in the court as other proceedings are filed in superior court, and similarly trial shall not commence earlier than 20 days after services, unless otherwise agreed by the parties. Also, like superior court, the court has contempt authority.

Authored By: Rep. Chuck Efstration (104th)
House Judiciary
Committee:

Committee 02-26-2019 Do Pass by Committee
Action: Substitute

HB 396 Crimes and offenses; unlawful for a person with intent to defraud a creditor's rights to deed or otherwise transfer title to real property to another person without the knowledge or consent of such other person; provide

Bill Summary: This bill makes it a misdemeanor to hinder, delay, impair, or defraud a creditor's rights by transferring title to property to another person without that person's knowledge or consent, except when the recipient is a related minor.

Authored By: Rep. Dale Washburn (141st)
House Judiciary
Committee:

Committee 02-26-2019 Do Pass by Committee
Action: Substitute

Judiciary Non-Civil Committee

HB 426 Criminal procedure; imposition of punishment for crimes involving bias or prejudice; revise criteria

Bill Summary: HB 426 enhances the penalty imposed on a defendant if the court finds beyond a reasonable doubt, that the victim of the crime was chosen due to race, color, religion, national origin, sexual orientation, gender, mental disability, or physical disability. If the defendant is convicted of a misdemeanor, the sentence is increased by not less than three nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a misdemeanor of high and aggravated nature, the sentence is increased by not less six nor more than 12 months of imprisonment and a fine not to exceed \$5,000. If the defendant is convicted of a felony, the sentence is increased by not less than two years of imprisonment. Moreover, the judge must state how much of the sentence is based on this Code section when he or she imposes the sentence.

Authored By: Rep. Chuck Efstoration (104th)
House Committee: Judiciary Non-Civil

Committee Action: 02-26-2019 Do Pass by Committee Substitute

Motor Vehicles Committee

HB 174 Motor vehicles; proper display of license plates; provide

Bill Summary: House Bill 174 ensures that the alphanumeric designation and revalidation decal on a license plate must be unobstructed and readily identifiable when the license plate is displayed on a vehicle.

Authored By: Rep. David Wilkerson (38th)
House Committee: Motor Vehicles

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 307 Abandoned Motor Vehicle Act; enact

Bill Summary: House Bill 307 creates the 'Abandoned Motor Vehicle Act.' The intent of the General Assembly is to decrease the burden on businesses that remove abandoned vehicles at the request of law enforcement officers or private property owners.

When an insurance company acquires a motor vehicle after paying out a total loss claim but does not receive, within 30 days, the certificate of title from the vehicle owner, the insurance company is authorized to apply to the Department of Revenue to receive a replacement certificate of title.

When a peace officer discovers an unattended vehicle on a highway or public property, they must immediately perform an unattended vehicle check. Once the check is complete, the officer must attach a completed unattended vehicle check card to the vehicle. The Department of Public Safety will specify the rules and regulations regarding the unattended vehicle check cards and will provide them to law enforcement agencies free of charge if possible. These cards must only be attached to a vehicle by a peace officer. Within 24 hours of completing an unattended vehicle check, the peace officer must contact the Georgia Crime Information Center to determine if the vehicle is stolen. If the vehicle is stolen, the peace officer must notify the law enforcement agency which filed the stolen vehicle report.

If a vehicle has been left unattended on a highway for more than five days or if the vehicle's abandonment poses an immediate threat to public safety or traffic congestion, a peace officer can have the vehicle removed to a safer place. Within one day of the removal, the towing company which tows the vehicle at the request of the peace officer may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

Within one day of the removal of an unattended vehicle from private property, the towing company which tows the vehicle at the request of the property owner may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the

requested information and may charge a fee of \$2.00 or less. After no more than one day, the towing company must submit a copy of the Department of Revenue request to the law enforcement department with jurisdiction over the location that the vehicle was abandoned. Within 24 hours, the local law enforcement department must contact the Georgia Crime Information Center to determine if the vehicle has been reported as stolen. If the vehicle is stolen, the law enforcement officer must contact the law enforcement agency which filed the stolen vehicle report, who will in turn notify the vehicle owner and the towing company. If a salvage dealer has been in possession of a vehicle for seven days with no contact from the owner or insurance company, they may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

It is prohibited to remove or tow a vehicle left in a paid private parking lot between midnight and noon of the following day; the parking lot owner can impose a penalty of \$25.00 or less and is not liable for any damage to the abandoned vehicle.

A towing company, repair facility, or salvage dealer must give the vehicle owner up to 15 days after notice is sent to retrieve any items from the vehicle. After 15 days, the towing company, repair facility, or salvage dealer must allow the vehicle owner to retrieve only personal items from the vehicle.

Within 15 calendar days of removal, the towing company or salvage dealer must send the owners the notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. If the identity of the owners cannot be found, the towing company or salvage dealer must place a notice in the local newspaper or the county courthouse for two consecutive weeks. When a vehicle is left with a repair facility for at least 15 days without payment or communication, the repair facility must send the owner the applicable notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. The towing company, salvage dealer, or repair facility shall have a lien placed on motor vehicles in their possession in the amount of the noticed recoverable fees.

Between 15 days and six months after compliance with the notice requirements, a towing company, repair facility, or salvage dealer may file an action for a statement of claim against the motor vehicle in any magistrate court in the judicial circuit where the vehicle is located. The towing company, repair facility, or salvage dealer must send a copy of the filed claim to any known owners of the vehicle. If the identity of the owners cannot be found, the towing company, repair facility, or salvage dealer must advertise the notice in the local newspaper or the county courthouse for two consecutive weeks. The vehicle owner may file an answer to the claim within 10 days of receipt by using the included answer form. If no answer is filed within the specified time frame, the towing company, repair facility, or salvage dealer may seek to foreclose the lien through a default judgment. If the default judgement is granted by the court, the vehicle will be considered abandoned and within five days the court must transmit an order for the disposition of the motor vehicle. If an answer is returned to the court, a trial deciding whether to foreclose on the lien will be held within 10 days.

After a court order, the towing company, repair facility, or salvage dealer is authorized to sell the vehicle to the highest bidder at public sale. The towing company, repair facility, or salvage dealer will use the proceeds from the sale to satisfy the outstanding lien and cover any costs associated with the advertisement and sale of the vehicle. The remaining proceeds will be submitted to the Department of Revenue as unclaimed property.

The purchaser of a motor vehicle at such a public sale will receive a certified copy of the court order authorizing the sale. The purchaser will be able to obtain a clear title from the Department of Revenue by meeting specified requirements. Once the vehicle proceeds have been turned over to the Department of Revenue as unclaimed property, any person claiming a property interest in the motor vehicle sold and the excess funds from the sale must make a claim within six months of the sale. If no claim is made within six months, the person who sold the motor vehicle can make a claim for the excess funds until one year from the date of the deposit of excess funds.

Authored By: Rep. Alan Powell (32nd)
House Motor Vehicles
Committee:

Committee 02-26-2019 Do Pass by Committee
Action: Substitute

Regulated Industries Committee

HB 76 Alcoholic beverages; counties and municipalities may regulate alcohol licenses as to certain distances in a manner that is less but not more restrictive than those distances specified by the state; provisions

Bill Summary: HB 76 regards licensees for the retail sale of alcoholic beverages for consumption off premises. The bill allows for local counties and municipalities to ease the distance restrictions of said retail businesses to all buildings, campuses, and grounds of a college.

Authored By: Rep. Ron Stephens (164th)
House Committee: Regulated Industries

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 242 Professions and businesses; regulation of massage therapy educational programs; provide

Bill Summary: HB 242 establishes board certification of massage therapy educational programs, both within and outside the state, which meet the standards for training and curriculum as set out by the Georgia Board of Massage Therapy and its rules. The bill allows the board to request on-site inspections of massage therapy businesses and requires said businesses to continuously maintain liability insurance coverage for bodily injuries and property damages. Further, massage therapy businesses must comply with appropriate advertising. The bill increases fines for noncompliance and unlawful acts. HB 242 also provides rules and limitations for local jurisdictions in regulating massage therapy businesses.

Authored By: Rep. Lee Hawkins (27th)
House Committee: Regulated Industries

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 253 Professions and businesses; occupational therapists; update and revise various provisions

Bill Summary: HB 253 updates and revises the code regarding occupational therapists. The bill allows licensed occupational therapists to provide therapeutic services through telecommunication and e-health services. In addition, authorized agents of the State Board of Occupation Therapy are granted the authority to enter and make reasonable inspections of any place where occupational therapy is practiced. In order for a foreign trained occupational therapists to practice in Georgia, said therapists must complete an academic program that is approved by the World Federation of Occupational Therapists or other credentialing entity recognized by the board.

Authored By: Rep. Lee Hawkins (27th)
House Committee: Regulated Industries

Committee Action: 02-26-2019 Do Pass by Committee Substitute

HB 328 Health; regulation and permittance of body artists and body art studios; provide

Bill Summary: HB 328 redefines tattoo artists and tattoo studios into body artists and body art studios. Body artist permits are issued by the Department of Public Health and the department is authorized to establish reasonable permit fees. Further, the department may deny, suspend, or revoke a body artist permit with appeals conducted in accordance with the Georgia Administrative Procedure Act. The bill requires body art studios to conspicuously display a warning that any body art can disqualify and individual from military service.

Authored By: Rep. Karen Mathiak (73rd)
House Committee: Regulated Industries

Committee Action: 02-26-2019 Do Pass by Committee Substitute

Retirement Committee

HB 109 Teachers Retirement System; individuals who first became members on or after July 1, 2019; modify conditions

Bill Summary: HB 109 changes components of the Teachers Retirement System of Georgia for individuals who become a member on or after July 1, 2019. First, the "average final compensation" for new members changes to the highest average for five consecutive years, instead of two consecutive years in current law. The bill caps the maximum earnable compensation that can be used to determine retirement benefits for new members at \$200,000. Also, the range for required employee contribution rates for new members increases from the five to six percent in current law to six to 8.5 percent. Next, the bill eliminates the opportunity for new members to apply an unused portion of sick leave towards service credit and new members would not be allowed to retire in advance of the school year if they reach retirement age by December 31. HB 109 revises the "normal retirement age" for new members when the member's age plus years of service equals 85 or when the member reaches 62 years of age with at least 10 years of service. Lastly, new members will not receive a post-retirement benefit adjustment more than once annually not to exceed three percent or the prior year's annualized rate of inflation, whichever is less. The Department of Audits and Accounts has certified HB 109 as a non-fiscal retirement bill.

Authored By: Rep. Tommy Benton (31st)
House Retirement
Committee:

Committee 02-26-2019 Do Pass by Committee
Action: Substitute

Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.
To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).*

Wednesday, February 27, 2019

7:30 AM	APPROPRIATIONS	341 CAP
8:00 AM	INSURANCE	606 CLOB
9:00 AM	RULES	341 CAP
10:00 AM	FLOOR SESSION (LD 23)	House Chamber
1:00 PM	HIGHER EDUCATION	606 CLOB
1:00 PM	Governmental Affairs State & Local Government Subcommittee	406 CLOB
1:00 PM	JUVENILE JUSTICE	415 CLOB
2:00 PM	Regulated Industries Low THC Oil Access Subcommittee	415 CLOB
2:00 PM	STATE PROPERTIES	403 CAP
2:00 PM	BUDGET & FISCAL AFFAIRS OVERSIGHT	506 CLOB
2:30 PM	INDUSTRY AND LABOR	506 CLOB
3:00 PM	WAYS AND MEANS	606 CLOB
3:00 PM	BANKS AND BANKING	341 CAP